



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**TO:** Col. W.S. Flaherty, Superintendent  
Virginia State Police

**FROM:** Matthew A. Conrad  
Assistant Attorney General

**DATE:** October 23, 2007

**SUBJECT:** Motor Vehicle Safety Inspection Rules and Regulations; 19 VAC 30-70-6, et seq.

In response to a request from the Department of State Police, I have reviewed the proposed amendments to the regulations set forth in 19 VAC 30-70-6, *et seq.*, relating to motor vehicle safety inspection rules and regulations. Upon review of the aforesaid amendments, I find them to be constitutional, consistent with the statutory authority conferred by § 46.2-1165 of the Code of Virginia, and in conformity with existing statutory provisions. As expressed in an earlier memorandum, these changes to the regulations are made pursuant to a customary police function of the Department and is therefore exempted from the requirements of the Administrative Process Act, pursuant to § 2.2-4002(B)(6).

Please note that this memorandum is intended to provide legal interpretations and legal advice, not policy advice. To the extent that this communication may advise you that certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency and this communication should not be construed as a comment for or against the merits of such action.